



## **MINUTES**

### **NEW YORK STATE THRUWAY AUTHORITY**

#### **BOARD MEETING NO. 688**

**September 15, 2011**

Minutes of a meeting of the New York State Thruway Authority, held in the Board Room at the Authority's Buffalo Division Office, 455 Cayuga Road, Suite 800, Cheektowaga, NY 14225 as well as via video conference at NYSTA Administrative Headquarters, 200 Southern Boulevard, Albany, New York 12209 and at the New York Division Office, 4 Executive Blvd., Suite 400, Suffern, NY 10901.

The meetings of the New York State Thruway Authority and Canal Corporation Boards opened in joint session for the consideration of various matters. These minutes reflect only those items considered by the New York State Thruway Authority Board. The meeting began at 3:02 p.m.

There were present:

Chairman Howard P. Milstein

Donna J. Luh, Vice Chair

J. Donald Rice, Jr., Board Member

Richard N. Simberg, Board Member

Brandon R. Sall, Board Member

Jose Holguin-Veras, Ph.D., via video conference

Constituting a majority of the members of the Thruway Authority Board.

E. Virgil Conway was not present at this meeting and did not vote on any of the Items.

In addition, there were present the following staff personnel:

Thomas J. Madison, Jr., Acting Executive Director

John Barr, Director, Administrative Services

Donald Bell, Director, Maintenance and Operations

John Bryan, Chief Financial Officer

William Estes, General Counsel

J. Marc Hannibal, Director, Audit and Management Services

Brian Stratton, Director, Canal Corporation

Thomas Ryan, Chief of Staff

Ted Nadratowski, Chief Engineer

Jill B. Warner, Board Administrator

Thomas Pericak, Division Director, Buffalo Division

Patrick Hoehn, Acting Division Director, Syracuse Division

Stephen Grabowski, Acting Division Director, New York Division

Michael Loftus, Acting Division Director, Albany Division, via video conference

John Callaghan, Deputy Director, Canal Corporation, via video conference

Catherine Sheridan, Acting Deputy Director for Canal Maintenance,  
Operations & Engineering, via video conference

Wendy Allen, Director, Management and Planning, via video conference

Dorraine Steele, Director, Fiscal Audit and Budget, via video conference

Jonathan Ehrlich, Special Assistant to the Chairman

Kathleen LeFave, Special Assistant to the Chief of Staff, via video conference

Peter Casper, Assistant Counsel, via video conference

Anthony Kirby, Director, Real Property Management

John Joyce, Director of Special Projects, Canal Corporation

Allan Bressette, Information Technology Specialist III

Major Robert Meyers, Troop T

Sergeant Marc Tryon, Troop T

Sergeant Michael Nigrelli, Troop T

Wai Cheung, Assistant Division Director, Operations, via video conference

Also in attendance:

Karl Diehl, New York Network

Michael Milstein, public

Murray Bodin, public, via video conference

Helen Jones, Reporter, *Buffalo News*

Mark Scheer, Reporter, *Niagara Gazette*

Leonard DePrima, Vice President, The Liro Group; FAIR Committee

Edward Stachura, Senior Project Manager, TVGA Consultants; FAIR Committee

Senator Mark Grisanti, New York State Senate

Senator George Maziarz, New York State Senate

Ron Deschenes, Community Liaison, Senator Mark Grisanti's Office

Jon McNulty, Field Representative, Senator Michael Rzenhofer's Office

Todd Aldinger, Legislative Aide/Budget Director, Senator Patrick Gallivan's Office

Barrett Price, President, Bear Metal Works

Bill Boyer, WGRZ Channel 2

Mark Mulville, Photographer, *Buffalo News*

Dan Cappellazzo, Photographer, *Niagara Gazette*

Chairman Milstein noted that he, Vice Chair Luh, Mr. Rice, Mr. Simberg, Mr. Sall and Dr. Veras had received and reviewed the Agenda submitted for consideration at this meeting and were prepared to act on each of the Items.

Chairman Milstein called the meetings of the Thruway Authority and Canal Corporation Boards to order.

Ms. Warner recorded the minutes as contained herein (public notice of the meeting had been given).

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**Item 1 by Ms. Warner (Appendix A)**  
**Approval of Minutes of Meeting No. 687**

On the motion of Mr. Sall, seconded by Vice Chair Luh , without any objections, the Board approved the minutes of Meeting No. 687 held on July 18, 2011, which were made available to the Board Members as part of the Agenda.

**Item 2 by Chairman Milstein (Appendix B)**  
**Recognizing and Honoring Michael R. Fleischer**

Chairman Milstein stated that Michael R. Fleischer served as Executive Director of the New York Thruway Authority and the New York State Canal Corporation beginning on April 30, 2003. Mr. Fleischer's commitment to providing an enhanced travel experience for Thruway and Canal system patrons was reflected in his management of the day-to-day operations of both organizations.

Equally significant was his dedication to the people of the State of New York, demonstrated by his support of projects designed to stimulate local commerce. Significant E-Z Pass improvements, customer service enhancements, operational efficiencies and economic development initiatives were advanced under his leadership.

In honor of his many years of dedicated leadership, it is appropriate that the Boards recognize Michael Fleischer's distinguished service. The Boards of the New York State Thruway Authority and the New York State Canal Corporation, on behalf of the people of the State of New York, extend to Michael R. Fleischer their thanks and appreciation for his dedicated service, his many contributions to the advancement of infrastructure improvements and economic development initiatives, and his commitment to customer service.

A copy of this resolution, signed by the Board Members, will be framed and presented to Michael R. Fleischer at the request of Chairman Milstein.

Mr. Sall added that it has been a pleasure to work with Michael and wished him all the luck in his new career.

After full discussion, on the motion of Mr. Simberg, seconded by Mr. Rice, without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 5903**  
**RECOGNIZING AND HONORING**  
**MICHAEL R. FLEISCHER**

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WHEREAS, Michael R. Fleischer served as Executive Director of the New York State Thruway Authority and the New York State Canal Corporation from April 30, 2003 to August 2, 2011, and

WHEREAS, Michael R. Fleischer has provided meritorious leadership and has contributed to several significant New York State Thruway Authority and New York State Canal Corporation accomplishments during his tenure including adoption of a seven-year, \$2.74 billion Capital Plan, initial deployment of highway speed E-ZPass on the Thruway, completion of significant reconstruction projects at Interchange 17 and Interchange 8 that have resulted in enhanced mobility, reduced congestion and improved air quality, progression of two major Tappan Zee Bridge deck replacement projects that ensure safe and efficient travel for the thousands of motorists that cross the bridge daily, initiation of a reconstruction project between Interchanges 23 and 24 that aims to improve mobility in the heavily traveled commuter corridor, commencement of a 15-mile pavement reconstruction project between Interchanges 39 and 40 that will afford customers

traveling between Syracuse and Weedsport a smoother ride, installation of more than 100 intelligent transportation systems components that provide real-time traffic, weather, construction and emergency information through the “Thruway Regional Advisory Network System” and the “Advanced Traffic Management System,” which collectively improved the efficiency of the Authority’s incident response and traffic management programs, support of development in Canal communities through grant awards from the “Erie Canal Greenway Grant Program” and the bi-annual tourism matching grants program, support of educational projects using historic vessels, promotion of tourism through the advancement of initiatives to rehabilitate and expand the Erie Canalway Trail, as well as partnering in annual events such as “Canal Splash!,” “Canal Clean Sweep,” “Canalway Trail Celebration,” and “Cycling the Erie Canal,” and completion of major Canal initiatives including the 2010 World Canal Conference, streamlining policies and procedures related to managing Canal real property, responding to devastating flooding along the Mohawk Valley in 2006, and continuing to rehabilitate and restore Canal infrastructure now, therefore, be it further

RESOLVED, that Michael R. Fleischer’s service is hereby proclaimed as meeting the very highest standards of excellence in public service, and be it further

RESOLVED, that the Boards of the New York State Thruway Authority and the New York State Canal Corporation, on behalf of the People of the State of New York, hereby extend to Michael R. Fleischer their thanks and appreciation for his dedicated service, his many contributions to the advancement of infrastructure improvements and economic development initiatives, and his commitment to customer service, and be it further

RESOLVED, that a copy of this resolution be presented to Michael R. Fleischer and be incorporated in the minutes of this meeting

**Item 3 by Chairman Milstein (Appendix C)**

**Appointing Thomas J. Madison, Jr. as Acting Executive Director, and Pending Senate Approval, Executive Director, of the New York State Thruway and New York State Canal Corporation**

Chairman Milstein stated that it was his privilege to formally introduce Tom Madison to the Board. Mr. Madison was nominated by Governor Cuomo as the new Executive Director of the Thruway Authority and Canal Corporation. He will serve as Acting Executive Director upon the Board's approval pending Senate confirmation of his appointment.

After full discussion, on the motion of Chairman Milstein, seconded by Vice Chair Luh , without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 5904**  
**APPOINTING THOMAS J. MADISON, JR. AS ACTING EXECUTIVE DIRECTOR, AND PENDING SENATE APPROVAL, EXECUTIVE DIRECTOR, OF THE NEW YORK STATE THRUWAY AUTHORITY AND NEW YORK STATE CANAL CORPORATION**

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RESOLVED, that the Boards of the New York State Thruway Authority and New York State Canal Corporation hereby appoint Thomas J. Madison Jr. as Acting Executive Director effective September 19, 2011, at an annual salary of \$165,800, funds for which are available in the 2011 Operating Budget, and be it further

RESOLVED, that should the New York State Senate be inclined to approve of Mr. Madison's nomination, he would become Executive Director at an annual salary set forth above, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting

**Item 4 by Mr. Bryan (Appendix D)**  
**Financial Reports – June and July 2011**

Mr. Bryan reported that total traffic for the first seven months of 2011 was down by 1.4 percent. The experience of the Thruway is not unlike that of the rest of the nation. Traffic declines are attributed to a few factors: poor weather conditions early in the year, the sluggishness in the economic recovery, and relatively high fuel prices. And the combination of those has pushed traffic down this year by 1.4 percent. Passenger traffic down 1.6 percent, but commercial traffic has shown some strength and was up 0.6 percent for the first seven months of the year.

For revenues through July the Authority collected \$359 million in toll revenues, which was about \$6.1 million or 1.7 percent less than in the first seven months of last year. Other revenue sources were also slightly off target. The combined total operating revenue was \$6.3 million or 1.6 percent below what staff had expected. On the operating side, total operating expenses were up around 4 percent. It is driven by the pension contributions and health insurance and other benefits, there are also ice removal costs in there. If you discount for these items, really what is left over is a very flat, if not declining, growth which shows that operating cost controls remain strong. Total operating expenses were down about \$8.5 million or 3.4 percent off the 2011 budget however, operating revenues were also down by similar percentage, about \$13.5 million.

On the motion of Vice Chair Luh , seconded by Mr. Sall, without any objections, the Board accepted the Financial Reports for the months of June and July 2011.

**Item 5 by Mr. Estes (Appendix E)**  
**Authorizing the Acting Executive Director to Amend the Tappan Zee Bridge Environmental Legal Counsel Contracts with Whiteman Osterman and Hanna LLP (Contract No. C-100422) and Sive Paget & Riesel, P.C. (Contract No. C-100423)**

Mr. Estes reported that the law firms of Sive, Paget and Riesel and Whiteman Osterman & Hanna currently serve as Environmental Counsel to the Authority on the Tappan Zee corridor study. The Department of Transportation (“DOT”), which is the project manager for this study, has recognized the valuable contribution that these firms have made in preparing the Environmental Impact Statement. Consequently, DOT has requested that these firms become Environmental Counsel to the entire project. DOT has asked that the Authority amend the contracts with these two firms to include DOT which would pay one-half of the fees that these firms charge. In addition, DOT has requested to extend the contract term through December 31, 2015.

After full discussion, on the motion of Mr. Simberg, seconded by Vice Chair Luh , without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 5905**  
**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT FOR OUTSIDE ENVIRONMENTAL COUNSEL FOR THE TAPPAN ZEE BRIDGE/I-287 CORRIDOR STUDY WITH WHITEMAN OSTERMAN AND HANNA LLP (CONTRACT NO. C-100422) AND SIVE PAGET & RIESEL, P.C. (CONTRACT NO. C-100423)**

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RESOLVED, that the Executive Director be and is hereby authorized to amend and execute contract No. C-100422 and Contract No. C-100423 (the “contracts”) to add the New York State Department of Transportation (the “Department”) as a party to the contracts; and be it further

RESOLVED, that the contracts shall designate Sive, Paget & Riesel P.C. and Whiteman Osterman & Hanna LLP as environmental counsel for the Tappan Zee Bridge/I-287 Corridor

Study/Environmental Impact Statement (the Project); and be it further

RESOLVED, that the contracts shall require the Authority and the Department to share equally the costs and expenses of environmental counsel for the Project; and be it further

RESOLVED, that the termination date of the contracts shall be extended to December 31, 2015; and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the contracts, manage and administer the contracts, amend the provisions of the contracts consistent with the terms of this Item and other Board authorizations and suspend or terminate the contracts in the best interest of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting

**Item 6 by Mr. Bell (Appendix F)**  
**Authorizing the Executive Director to Execute an Agreement with Kapsch TrafficCom IVHS Inc.**

Mr. Bell stated that the Thruway was one of the founding members of the E-ZPass Group. Currently there are 24 member agencies in 14 states ranging from Maine to Virginia, and as far west as Indiana. Any one of the Authority's customers can travel on any of those facilities using their E-ZPass tag. In 2010, 70 percent of Authority toll revenue was collected through the E-ZPass system. Of that, 38 percent of total revenue came from the other member agency's customers so the interaction between these groups is phenomenal. The sole purpose of E-ZPass, was to have interoperable travel throughout this region. The E-ZPass Group went through a very long, protracted and detailed procurement process. Four vendors submitted proposals, followed up with over a year of testing of the two final vendor's products to make sure they met all the operational requirements. The membership voted unanimously to recommend a contract with Kapsch TrafficCom IVHS Inc. ("Kapsch"). The pricing for Kapsch was substantially below what the Authority currently pays.

Currently an E-Z Pass tag costs the Authority around \$21 a piece. The proposed contract would be less than \$9. Compared to other finalists that is a substantial savings, about a 30 to 40 percent price differential for the Authority. Over the life of the contract it would save the Authority approximately \$20 million. The estimated cost to the Authority over the life of the contract is approximately \$52 million.

Chairman Milstein inquired as to whether the contract has a most favored nation clause so that if Kapsch charges less than these amounts to anybody else, then the Authority would also get the benefit. Mr. Bell responded that it does.

Chairman Milstein stated that it is very good that staff has reduced the costs. The Authority is using Kapsch's proprietary technology and they are likely allocating some of the cost to the actual passes themselves and some to the annual licensing fee. As such, it is possible that there may be other ways to generate some revenue out of this to offset the Authority's costs. Retailers use aggregate data which they are able to sell to various parties, while being mindful of privacy laws, staff may have the ability to use aggregate data that comes from this in such a way that could be valuable to someone.

Secondly, 10 years is a long time. As other systems become available that make economic sense for the entire group, it would certainly supplement for current technology, likely in another six or seven years. Chairman Milstein stated that he is concerned the Authority will get locked into technology that might not stay current. Mr. Estes assured the Chairman that he would thoroughly review the contract prior to approval for risks such as these. Chairman Milstein was willing to authorize staff to go forward with this contract assuming there are no untoward or imprudent risks, this might be one of them, and to remedy any imprudent risks after evaluating all the facts and circumstances.

Mr. Sall inquired as to why it was necessary for the contract length to be 10 years. Mr. Bell replied that it is an investment for everyone to have the equipment in their lanes; amongst all the agencies several thousand toll lanes are equipped to read these devices. If that base

investment were to change every year or two to four years it would not make a lot of economic sense. Chairman Milstein asked if it is advantageous to the Authority or to Kapsch for it to be a 10-year contract. Mr. Bell replied that the 10-year timeframe was at the request of the E-Z Pass Group as a whole and the price in the vendor's proposal is fixed for the full term of the contract. Chairman Milstein stated that the logic appears to be that whoever pays for the capital items at the toll booths wants to know that the whole economic picture is going to stay the same for a reasonable amount of time. There is an advantage to the Authority in knowing at least that costs will not go up and having a most favored nation clause, if this system gets sold to anybody else, the Authority gets the benefit of the lower price.

Mr. Sall stated that it also seems that if technology does change, Kapsch might not really want to go with that because it would require them to spend a lot more money when they have a system that works. Mr. Bell responded that if new technology comes into play two years from now, staff could take the actions necessary to cancel the contract, which has cancellation clauses in it, and procure new technology if that is what the Authority, either individually or as part of the entire E-ZPass group, chooses to do. This contract has a four-year exclusivity clause which says the Authority cannot use another vendor's products for this technology because Kapsch's patents have expired on a number of their products, so the vendor has a guarantee of business by providing the Authority with these prices. After the four years staff could go to another vendor to get the exact same product if they were offering it at a lower price. Chairman Milstein stated that the 10-year contract gives the Authority an option in years 5 through 10 so the Authority is really only committed for four years.

Mr. Simberg stated that the contract also provides good control as far as reliability and quality of the products. Mr. Bell added that the testing it went through was beyond anything he has seen in any procurement process. Mr. Simberg inquired as to whether the Authority could cancel the contract if it had trouble getting service or getting quality product during the term of the contract. Mr. Bell responded affirmatively, adding that it is included in the standard blanket language that is in all state contracts.

Mr. Madison inquired as to how the price differential would impact the Authority's customers. Mr. Bell stated that the Thruway Authority does not charge the customer for a tag. Customers sign up for an account, pay \$25 and are handed a tag. The \$25 goes onto their account to be used for tolls. It is really an operational cost to the Authority. Chairman Milstein added that in many other systems the user has to put up a refundable deposit for the tag and then they load it with their first \$25 or \$100 or whatever amount they want, and then someday if they give the tag back (if they move to another country or state where they do not have this) they would get their deposit back. Mr. Bell stated that in other systems customers pay a fee for the tag that is non-refundable. Mr. Madison wondered if the Authority could expand usage by lowering the initial amount its customers have to pay up front. Mr. Bell stated that the amount all goes towards tolls and is recouped by the customer. Chairman Milstein added that the price the Authority pays for the tag has no affect on the customer. Lowering the cost may encourage use and it may be worth looking into, but since customers are not charged for the tags the lower cost the Authority will now pay will not have an affect on the customers.

After full discussion, on the motion of Mr. Rice, seconded by Mr. Simberg, without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 5906**  
**AUTHORIZING THE ACTING EXECUTIVE DIRECTOR  
TO EXECUTE AN AGREEMENT WITH KAPSCH  
TRAFFICOM IVHS INC.**

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RESOLVED, that the Acting Executive Director be, and he hereby is, authorized to execute an Agreement (C010078) with Kapsch TrafficCom IVHS Inc., to ensure that the Authority has access to tags, readers and other equipment integral to the E-ZPass system ("Agreement"), and be it further

RESOLVED, that such Agreement shall be for a term of ten years, with the option to renew for one additional three-year period, and be it further

RESOLVED, that the Authority's Chief Financial Officer be, and hereby is, authorized to charge expenditures for goods and services provided pursuant to such Agreement to the Operating Budget, and be it further

RESOLVED, that the Acting Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, manage and administer the Agreement, amend the provisions of the Agreement consistent with the terms of this item and other Board authorizations and suspend or terminate the Agreement in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in full in the minutes of this meeting

**Item 7 by Mr. Nadratowski (Appendix G)**  
**Report on the 2011 Capital Program**

Mr. Nadratowski reported that through August 21 contracts were let with low bids totaling \$110.5 million, which compares favorably to the engineer's estimate of \$123.1 million. Cash flow for all active projects through August totaled \$154.3 million and if all currently programmed 2011 contracts are let, Authority staff expects that approximately \$360 million of cash flow will be expended this year. Chairman Milstein inquired as to what percent below the budgeted items the expenditures are coming in at. Mr. Nadratowski replied that compared to the engineer's estimates, bids are coming in just over 10 percent below those amounts.

After full discussion, on the motion of Mr. Sall, seconded by Mr. Rice, without any objections, the Board accepted the July and August monthly status reports on the combined Thruway Authority and Canal Corporation 2011 Capital Program.

**Item 8 by Mr. Nadratowski (Appendix H)**  
**Authorizing Additional Funding for TAB 09-58B (D213924), Buffalo Division On-Demand Bridge Repair Contract**

Mr. Nadratowski reported that the Cattaraugus Creek Bridge has been identified as a scour critical structure, which means that its foundations are vulnerable to water erosion during flooding events which could lead to the collapse of the structure. As a result of this vulnerability the Authority has in place plans and procedures to monitor the bridge during flooding events and has designed scour countermeasures that when built would remove this bridge from the scour critical list.

In late July during an inspection of the foundations, it was found that the scour had progressed to a point where the countermeasures would be required to keep the bridge open. Staff was concerned that during the next high water flood event the Authority would have to close that bridge if these countermeasures are not installed. Due to the time restrictions for working in the stream and the conditions of the bridge, Board Members were contacted in advance to provide concurrence to add \$2 million to this on-demand contract. He thanked the Board for their quick action and unanimous concurrence, and reported that the countermeasures have been completed and the bridge is going to be taken off the scour critical list.

Chairman Milstein added that the Executive Chamber was successful in working with the Seneca Nation for the Authority to have access to the bridge. Staff had to act quite rapidly, which required work to be done in three shifts 24/7. The third shift and the weekend work were done at time and a half. But a potential health and safety issue was avoided and the Executive Chamber was able to work this out in a very amicable way. It was a very good conclusion, and he thanked everyone involved.

After full discussion, on the motion of Mr. Simberg, seconded by Mr. Sall, without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 5907**  
**AUTHORIZING ADDITIONAL FUNDING FOR TAB 09-58B  
(D213924), BUFFALO DIVISION ON-DEMAND BRIDGE  
REPAIR CONTRACT**

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RESOLVED, that the informal action by Authority Board members in authorizing an additional \$2,000,000 for TAB 09-58B (D213924) Buffalo Division On-Demand Bridge Repair Contract be, and the same hereby is, confirmed, and be it further

RESOLVED, that the revised contract value for TAB 09-58B (D213924) be \$2,454,640, and be it further

RESOLVED, that an additional sum of \$2,000,000 be, and the same hereby is, allocated toward contract TAB 09-58B (D213924) from bid savings and other adjustments to the 2011 Contracts Program, and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the contract, manage and administer the contract, amend the provisions of the contract consistent with the terms of this Item and other Board authorizations and suspend or terminate the contract in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting

**OTHER BUSINESS**

Mr. Sall asked if the Thruway sustained any damage resulting from the recent storms that affected the region. Mr. Nadratowski responded that approximately 80 locations on the Thruway were damaged. The most significant damage was at the Route 5S bridge in the Amsterdam area, right next to the Schoharie Creek Bridge. Route 5S washed out completely leaving 13 piles exposed. Staff was able to close that bridge for a day and a half, and had time to move traffic to the side of the bridge that was not damaged. Currently, the Authority has a contractor out

working 24/7 to re-establish the foundations and put that bridge back in service. Staff expects to be back open and fully functional in 4 to 5 weeks.

On the Canal side there was significantly more serious damage that will cost tens of millions to repair. Staff is still not certain of the extent of the damage. Locks 8, 9, 10, 11, 12, and 13 had serious damage, particularly at the dams where all this debris washed up and essentially damaged the components of the dam that allow staff to control water and pool elevation. There were breaches at locations where the water went around the dam and started cutting into banks and embankments.

Mr. Sall inquired as to whether the Authority would receive federal funds to reimburse any of these costs. Mr. Nadratowski replied that staff anticipates 75 percent of the costs to be reimbursed by FEMA, adding that staff has taken precautions to document all the work up to this point and beyond in order to be eligible for reimbursement. Mr. Bryan stated that the reimbursement from FHWA on the highway portion is at 100 percent, but it is highway only. So Thruway facilities and Canal infrastructure and facilities will likely be at the 75 percent rate.

Chairman Milstein asked if staff had a best guess on what the total number is, adding that he heard \$46 million for one part of the Canal. Mr. Stratton responded that staff is still looking at all of the damage, and wants to let the water go down as much as possible to see which gates with dam structures are actually bent, fouled or if they are salvageable. Rather than guess or speculate at this point, staff would rather have a firm number. Much of the damage is still hidden under water. Chairman Milstein asked when staff would expect to have that answer. Mr. Nadratowski stated that in the next few weeks staff should have a better handle on it. Mr. Sall asked if there was a high/low estimate yet. Mr. Nadratowski replied that if he were to throw out an estimate he would be comfortable around 60 million, but that would just be for the Canal. The Thruway's work is much less significant and will likely run around a million and a half dollars. Vice Chair Luh asked if he had been working around the clock on this work; he replied that all the staff has.

Chairman Milstein thanked Major Meyers for attending the meeting and commended the partnership the Authority has with the New York State Police, adding that the Board appreciates everything they do. Major Meyers responded that it is a mutual admiration.

Chairman Milstein mentioned that he was wearing a Buffalo on his lapel, given to him by the Mayor of the fair city of Buffalo. They had a private lunch with a few other individuals for the Chairman to hear directly from them about any issues involving the Thruway or ways that staff could be helpful. It was a very good discussion.

### **PUBLIC COMMENT PERIOD**

Murray Bodin, representing concerned grandparents, is interested in the lines on the roadway being easier for drivers to see. With distracted driving today people are not paying attention the way they used to, so the clearer the road lines, the safer the roads are. In particular he thanked Mr. Nadratowksi who, when he was in New York Division as regional director, got a ruling from Washington, D.C. that dotted lines are the best way to help drivers. More recently, Mr. Bodin has worked with Robert Cournoyer and Steve Velicky to bring the Thruway even more into compliance. He saw Mr. Velicky recently on TV describing a new way of putting lines on the road, which he suspects will be excellent. He asked that Ted, Bob and Steve be recognized as assets to the Authority

Safety on our roads requires better lines. If the New Jersey Turnpike won't do it, he will do it. Likewise the New York State DOT has been lagging. So he is going to take it into his own hands and will do it himself.

Mr. Bodin stated that seven years ago, former Executive Director John Platt died and he asked that staff take a moment to remember him as being an extraordinary human being.

Ms. Jones, a reporter with the *Buffalo News*, asked staff about the storm last year where people were stranded on the Thruway and inquired as to whether plans are in motion or in place to prevent something like that from happening again. Chairman Milstein responded

affirmatively. Mr. Bell added that from an operations standpoint staff works very diligently with State Police and local officials to put together response plans in case similar storm events happen.

Mr. Pericak added that the contractor will start work next week on installation of removable barriers and gates. Sections of concrete median barriers will be replaced with gates that State Police and staff can open to allow u-turn traffic in such an event. Not just a snowstorm, it could be a traffic accident that blocks lanes. That was not an available option during the snow event last year. Ms. Jones asked if that would be done throughout the system. Mr. Bell stated that it would start in Buffalo but staff is evaluating the entire system in order to identify other locations where it will become standard practice. The gates will close the ramps as well to prevent vehicles from entering the Thruway.

Vice Chair Luh requested that the Board recognize State Police Captain Nigrelli and the job he did during that situation last year. Mr. Pericak added that Captain Nigrelli, the Buffalo area Commander, worked many, many hours during the storm and did a great job as far as the State Police.

Chairman Milstein thanked Mr. Pericak for his hospitality at the Buffalo Division offices today adding that is very easy to get in and out of the building and it is well designed. He added that he is sure everybody enjoys working here.

Senator Mark Grisanti, New York State, stated that he is glad that the issue regarding the bridge was resolved with the Senecas with the help of Senator Maziarz, Senator Gallivan and Howard Glaser (Director of State Operations). He was glad to get the issue out of the way so that they can move on to other issues regarding Seneca Nation. Chairman Milstein thanked Senator Grisanti for making sure the Authority could have access to the bridge.

## **EXECUTIVE SESSION AND ADJOURNMENT**

Chairman Milstein requested a motion to adjourn to Executive Session to discuss the procurement of services with relation to the 2012 Budget. There being no further business to come before the Boards, without any objections, on the motion of Vice Chair Luh, seconded by Mr. Sall, the meetings were adjourned and the Board moved into Executive Session.

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Jill B. Warner  
Secretary

*Note: Webcasts, which include dialogue of Authority/Corporation Board Meetings, are available on the Thruway Authority website 48 hours after such meetings occur and remain on the website for a period of four months.*